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# Land Reclamation Program - Frequently Asked Questions (FAQs)

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Land Reclamation Program fact sheet

8/2006

## Abandoned Mine Lands

### **1. Does the Missouri Department of Natural Resources have any land for sale?**

No. We neither own, buy, nor sell land. We recommend that you contact a real estate agent in your area of interest.

### **2. Will my property taxes increase after reclamation work is completed?**

The answer is usually no. However, this is determined by the tax assessor of the county in which the property is located.

### **3. Who pays for the cost of reclaiming an abandoned coal mine project?**

Active coal companies pay a fee for every ton of coal that is mined specifically to pay for the cost of reclaiming abandoned coal mines across the United States. This fund is provided to each qualifying state to pay for abandoned coal mine reclamation projects.

### **4. May I have a pond built on my property as part of the reclamation process?**

Every effort is made to incorporate landowner requests if they are compatible with the project and are economically feasible.

### **5. Will I be able to farm my ground after reclamation?**

Reclaimed land is fragile and should be treated as such. In those instances where sites contain adequate topsoil, the land can be farmed if proper farming techniques are practiced. For the most part, reclaimed, abandoned mine lands are not suitable for farming and landowners are cautioned against plowing or other practices (e.g. overgrazing) that could destroy the vegetation, cause erosion and subsequently expose buried acidic material.

### **6. Will the Department of Natural Resources fix my house if it is damaged by mine subsidence from an abandoned mine?**

No. Abandoned Mine Lands funds can be used to fill a subsidence hole or to stabilize the soils beneath the house to minimize further subsidence. Structural repair would be the responsibility of the home owner or the insurance carrier. If it is damaged by an active mine, contact the Land Reclamation Program at (573) 751-4041.



**7. What if I don't want my property reclaimed. Do I have to give consent to have the reclamation done?**

Under most circumstances the Land Reclamation Program will not enter onto a property to do reclamation if it is against the landowner's wishes. However, if the property contains a health and safety problem that poses a danger to the public, the Land Reclamation Program can enter onto the property to conduct reclamation work even if it is against the landowner's wishes.

**8. If I reclaim my land, will the State pay me?**

No.

**9. How soon may I have full use of my property after the reclamation is completed?**

The Land Reclamation Program requests reclaimed sites not be grazed for one year to allow vegetation to become established. The Land Reclamation Program will monitor the vegetation growth for an additional two years. If the site has no additional problems after this, then the owner is free to use the land as desired. The Land Reclamation Program works with the landowners regarding use of the reclaimed land during the 1 to 3 year(s) period following reclamation.

**10. If I know of an Abandoned Mine Lands site, how can I find out when it will be reclaimed?**

Most of the Abandoned Mine Lands sites in Missouri have been identified and prioritized for reclamation according to their impact on the environment and the threat of danger to the health and safety of Missouri citizens. If you have a specific question about an Abandoned Mine Lands site, you should call the Department's Land Reclamation Program at (573) 751-4041. It would be helpful to have information pertaining to the site such as the name of the township, section number, township and range numbers, the mine name and when mined.

**11. If I know of an abandoned mine site that was mined for lead, zinc or other noncoal product, what assistance can Land Reclamation Program provide to me?**

In May 2000, the Land Reclamation Commission granted approval for Land Reclamation Program to initiate the process that would allow Abandoned Mine Lands' funds to be used to close 19 extremely dangerous lead/zinc shafts in southwestern Missouri. Reclamation of these first noncoal openings began in fall 2001. Reclamation of additional dangerous noncoal shafts took place in the following years, and is still ongoing today. Funding for noncoal shaft reclamation is limited, but a few are completed each year. Technical assistance is available to landowners and interested citizens who are concerned about noncoal problems. Although many noncoal shafts have been inventoried, the Land Reclamation Program invites citizens to report open shafts by contacting the Land Reclamation Program at (573) 751-4041.

## **Land Reclamation - Coal**

**1. Are blasting activities regulated at coal mines?**

Yes, the Land Reclamation Program regulates several aspects of the use of explosives at coal mines. These are

- **Certification of Blasters.** All persons in charge of blasting activities at coal mines must pass a certification test to show that they have the knowledge to safely handle explosives and conduct blasting activities. All blast designs shall be prepared by a certified blaster who shall also keep records of each blast that is conducted with the appropriate information regarding

the date, time of day, pounds of explosives used, weather conditions and other pertinent information. These records are to be made available for inspection at the mine site and for at least three years.

- **Pre-Blast Surveys.** A pre-blast survey is a report, prepared at the expense of the mine operator, that documents the condition of public buildings, schools, churches, community or institutional buildings, dwellings, dams or other structures, located within one-half (1/2) mile of the mine permit area. The purpose of a pre-blast survey is to provide documentation to landowners and the mine operator of the condition of the structures prior to mining so that a visual determination may be made of any damage caused to these structures that might be attributed to the blasting activities. All owners or residents who have such structures are required to be notified in writing at least 40 days before initiation of blasting by the operator of a coal mine, that they may request a pre-blast survey. This survey is made at no cost to the property owner. Copies of the report will be promptly provided to the person requesting the survey and the Land Reclamation Program. The operator is responsible for ensuring that any surveys requested more than 10 days before the planned initiation of blasting shall be completed before the initiation of survey. There are specific requirements in the state regulations regarding pre-blast surveys. If a landowner has any questions, they should contact the department's Land Reclamation Program at (573) 751-4041 or the Federal office of Surface Mining at (618) 463-6463.
- **Blasting Schedules.** The mine operator is responsible for submitting a schedule listing when blasting will occur at the mine site, or permit area. The schedule is to be published in a newspaper of general circulation in the locality of the blasting site at least 10, but not more than 30 days before beginning a blasting program. In addition to the newspaper publication the mine operator must send a copy of the blasting schedule to local governments, public utilities, to each local residence within one-half mile of the proposed blasting site described in the schedule and the Land Reclamation Program as soon as it has been published. The operator is limited to conducting blasting operations between sunset and sunrise, unless specifically approved otherwise. Any unscheduled blasting requires special notification to all residents within one-half mile of blasting site along with the specific documentation of why the unscheduled blast occurred.
- **Signs.** Signs are required to be placed in conspicuous locations which state "Warning! Explosives in Use!" The signs must also explain the audible signals that are used to warn the public that a blast is about to be conducted and when it is safe to assume that the blasting activity has ceased along with how to spot areas where blasting is being conducted.
- **Warnings.** Warning and all-clear signals must be audible for at least a distance of one-half mile from the point of the blast.
- **Access Control.** The mine operator must control access within the blasting to prevent the presence of livestock or unauthorized persons from entering the blast area during blasting and until it has been determined that no unusual hazards exist and access to and travel within the blasting area can be safely resumed.
- **Control of Adverse Affects.** Generally speaking, blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of surface or ground water outside the permit area. The operator is required to control the amount of noise, vibration and flyrock from the permit area. Flyrock is material that is cast from the blast area when the explosives are detonated. The operator is required to maintain records of each blast for at least three years. These records are available to the public for review.

**2. Can I graze cattle on my land after the coal mine has planted grass and it starts to come up?**

Grazing of livestock can occur on mined and reclaimed ground, but is subject to approval. The mine operator, or permit holder, must submit a request to graze an area and this request is reviewed by the LRP. This is because the mine operator is ultimately responsible for the condition of the reclaimed ground and must be careful to ensure that nothing is done that might prevent the final reclamation from being approved. The request must include such information as how many head of livestock will be present, how long they will graze, upon what areas, how they will be kept from locations where grazing would not be appropriate, like wildlife management areas.

**3. I want to report a non-compliant issue at a coal mine site, but since I live in the area I do not want them to know the complaint came from me. What is the best way to proceed?**

Send in a letter to the Land Reclamation Program stating the name of the company and mine name, nature of your complaint, with clear directions concerning the nature of and location of the violation. You must state that you are requesting confidentiality if you wish for your identity to remain anonymous. The Land Reclamation Program will investigate the complaint and report the results to you. If you are dissatisfied with the results of the investigation you will have the right of appeal. Details on appeal rights will be sent to you in writing along with the results of the inspection.

**4. Are coal mining operations required to replace lost wildlife habitat?**

Coal mine operators are required to reclaim areas affected by their operations to an “equal or better land use.” This phrase has been interpreted to mean the land use with the highest economic value. In other words a pre-mining land use of wildlife habitat may be replaced by a post-mining land use of pasture, since there are greater economic gains to be realized for pasture, as a rule.

**5. Is it safe to build a home on reclaimed property?**

The answer to this question is rather subjective. Mined spoils are not well compacted when compared to the undisturbed layers of rock, shale and other geologic materials. This means that there is a greater potential for random settling of foundations to occur on lands that have been mined and reclaimed. This could result in cracked floors and foundations. While it may be “safe” in terms of the lack possibility for injury to occur, it may not be advisable to build on mine spoil from a standpoint of structural stability.

**6. How many coal mines are left in Missouri?**

As of June 30, 2006, there were two operating coal mines and five in the process of reclaiming, along with eight that had their permits revoked and the Land Reclamation Program is overseeing the reclamation work.

## **7. How long does it take to get coal mine land released and turned over to the landowner?**

This can vary. After coal has been removed from the ground the grading of the spoil, topsoil replacement and reseeding are supposed to be done in 450 days. However, the coal company is also required to ensure that the vegetation is sufficient to control erosion and that a minimum five year liability period has passed during which measurements are taken of the vegetation to ensure that it is at least as productive as it was prior to the initiation of mining operations. They also have to show, through continued monitoring of surface and groundwater locations that there has been no significant impact to water resources of the area, during the entire mining process and continuing through the five-year liability period. So it usually takes, at minimum, just over six years from the time coal is removed to clear the mine operator of continuing liability in a manner that will allow the landowner to have full control of the site. This time frame (six years) is dependant on the permittee doing everything perfectly. It is, of course, rare for everything to go perfectly, without setbacks, and it is common for final reclamation to take 7 to 10 years to complete. There are instances where it has taken even longer.

## **Non-Coal**

### **1. Does any agency, either state or local, regulate blasting at mining operations?**

The Land Reclamation Program does regulate blasting at coal mine sites, but has no laws or regulations for other types of mining. There are a few county governments and municipalities (St. Louis County, St. Charles County, City of Sugar Creek) who regulate blasting activities. There are no state level agencies who are involved in the regulation of blasting at surface or underground mines, however, other than coal mining as noted above. The Mine Safety and Health Administration, (MSHA), has an office in Rolla, Missouri, (573) 364-8282, and regulates blasting at mining operations from the standpoint of worker safety. They can get involved if there are dangerous occurrences at mine sites, such as blasted rock being thrown off-site onto neighboring property. They usually won't get involved in the case of blasting activities that damage to water wells, window breakage, cracked walls, etc.

### **2. Can I take sand or gravel out of a stream or do I need a permit from anyone?**

The answer can depend upon several things. First, if it is a commercial operation, that is if sales of the gravel are occurring, a permit from the Land Reclamation Program is required. If it is related to another type of commercial venture, such as supplying gravel for roads of a trailer park as an example, a permit would be required. It is NOT required to have a Land Reclamation Permit if the removal is occurring for personal use, such as farm roads or a driveway. A permit from the U.S. Army Corps of Engineers is required if material is put back into the stream, between the stream banks. This activity would include stockpiling gravel or placing stripped material into the stream area. If there are any questions about this, please contact the U.S. Army Corps of Engineers.

### **3. Can a mine operator take gravel from the flowing water in a stream?**

This can occur, however, the Missouri Department of Natural Resources and Army Corps of Engineers strongly discourages such activities from occurring. This activity can cause problems by creating downstream sediment and destroying stream habitat as well as creating erosion problems within the stream itself.

#### **4. What can I do about truck traffic from a mining operation?**

Truck traffic is not an activity that is regulated by the Missouri Department of Natural Resources. It is best to contact local law enforcement agencies or the Missouri State Highway Patrol if you believe that laws relating to these activities are being violated. You may also wish to contact the Missouri Department of Transportation if the trucks are using state maintained roads.

#### **5. What can be done to keep the dust under control at a mine site?**

Dust issues are regulated by the Missouri Department of Natural Resources, Air Pollution Control Program, through their local regional offices. There are five Regional Offices, located in Kansas City, Springfield, Macon, Poplar Bluff and St. Louis.

##### **Kansas City Regional Office**

500 NE Colbern Road  
Lee's Summit, MO 64086-4710  
(816) 622-7000  
(816) 622-7044 fax

##### **Northeast Regional Office**

1709 Prospect Dr.  
Macon, MO 63552-2602  
(660) 385-8000  
(660) 385-8090 fax

##### **Southeast Regional Office**

2155 N. Westwood Blvd.  
Poplar Bluff, MO 63901  
(573) 840-9750  
(573) 840-9754 fax

##### **Southwest Regional Office**

2040 W. Woodland  
Springfield, MO 65807-5912  
(417) 891-4300  
(417) 891-4399 fax

##### **St. Louis Regional Office**

7545 S. Lindbergh, Suite 210  
St. Louis, MO 63125  
(314) 416-2960  
(314) 416-2970 fax

#### **6. What can be done to control runoff and sediment from leaving a mine site and entering a nearby stream?**

Mining companies are required to keep sediment controlled in such a way that it does not cause a problem to either the mine site or any adjacent land including streams that receive the runoff. If you notice that such a problem is occurring you should contact the Missouri Department of Natural Resources' Land Reclamation Program and the regional office that serves the county in which the mine is located. The Missouri Department of Natural Resources, Water Pollution Control Program has an inspector in each regional office who will investigate the matter as well as an inspector from the Land Reclamation Program.

**7. What can be done about the noise created from a mining operation?**

There are at present no laws or regulations that deal with noise which are administered by the Department of Natural Resources. You should contact your county or municipal governments to see if there are local restrictions on noise.

**8. Who can tell me about the history of mining or mining companies in my area?**

The Department of Natural Resources' Division of Geology and Land Survey maintains some information related to mining operations. However, if you have a county historical society, they may also be able to provide information related to mining history.

**For more information**

Missouri Department of Natural Resources  
Land Reclamation Program  
P.O. Box 176  
Jefferson City, MO 65102-0176  
1-800-361-4827 or (573) 751-4041 office  
(573) 751-0534 fax  
[www.dnr.mo.gov/env/lrp](http://www.dnr.mo.gov/env/lrp)